

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INNOVATION VENTURES, LLC, et al.,

Plaintiffs,

-against-

ULTIMATE ONE DISTRIBUTING
CORP., et al.,

Defendants.
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MEMORANDUM
AND ORDER

12-CV-5354 (KAM)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a motion filed today by defendant Raid Jamil, to quash a subpoena *duces tecum* served by plaintiff on non-party Yahoo!, or, in the alternative, for a protective order. See Motion to Quash (Feb. 19, 2013), Electronic Case Filing Docket Entry (“DE”) #385.

The Court denies defendant Jamil’s motion to quash, as any such motion must be addressed to the issuing court, here, the Northern District of California. See Fed. R. Civ. P. 45(c)(3)(A).

Defendant Jamil’s motion for a protective order, pursuant to Fed. R. Civ. P. 26(c), is denied for the following reasons: (1) counsel for defendant Jamil failed to make a timely attempt to confer in good faith with plaintiff’s counsel before filing his motion, contrary to Local Civil Rule 37.3(a)¹; and (2) the subpoenaed party -- Yahoo! -- reportedly does not

¹ Although defendant Jamil was placed on notice of the subpoena on the date of its issuance -- February 7, 2013 -- he waited until yesterday, a federal holiday, to attempt (in vain) to contact plaintiff’s counsel about the subpoena, and waited until the due date of the subpoena (today) to file his motion. See Response to Motion (Feb. 19, 2013) at 2, DE #387.

disclose the “contents” of emails to nongovernmental individuals or entities. See generally Response to Motion to Quash (Feb. 19, 2013) at 1-3. DE #387. Therefore, Yahoo!’s response to the subpoena will not disclose privileged or confidential information.

Accordingly, defendant Jamil’s motion is denied in its entirety.

SO ORDERED.

**Dated: Brooklyn, New York
February 19, 2013**

/s/ Roanne L. Mann

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**